



Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY, JULY 9, 2003 — 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER & ROLL CALL

APPROVAL OF MINUTES DATED: MAY 28, 2003

ANNUAL MOBILE HOME PARK REVIEW:

- a. THOMPSON MOBILE HOME PARK – WALSH ROAD
- b. MT. AIRY MOBILE HOME PARK – RT. 207

PUBLIC HEARINGS:

1. **CORNWALL COMMONS LLC (00-06) RT. 9W & FORGE HILL ROAD (LANC & TULLY)** Proposed 60-lot residential subdivision.

REGULAR ITEMS:

2. **CLASSIC HOME BUILDERS SUBDIVISION & LOT LINE CHANGE (03-16) KINGS ROAD (LYTLE)** Proposed 4-lot residential subdivision & lot line change.
3. **WOODLAWN MANOR SENIOR PROJECT (03-17) FOREST HILLS DR. (JAY SAMUELSON)** Proposed 95-unit senior housing project.
4. **COVINGTON ESTATES (01-41) RT. 300 (NEW HORIZON)**
Proposed condominium units.
5. **PLYMPTON HOUSE (02-23) PLYMPTON STREET (BROWN)**
Proposed catering use for building formerly American Felt Offices.
6. **MANDIARACINA SUBDIVISION (03-18) TOLEMAN ROAD (BROWN)**
Proposed 2-lot residential subdivision.
7. **FIRST COLUMBIA (NEW YORK INTERNATIONAL PLAZA) 02-200 – RECEIVE FEIS.**
8. **GALELLA SITE PLAN (03-06) RT. 9W (COPPOLA)** Proposed office building.
9. **DR. PRABHU (03-19) RT. 9W (SHAW)** Proposed addition to existing doctor's office.

DISCUSSION

ADJOURNMENT

(NEXT MEETING – JULY 23, 2003)

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TOWN OF NEW WINDSOR

PLANNING BOARD

JULY 9, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS
ERIC MASON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: JIM BRESNAN
NEIL SCHLESINGER

REGULAR MEETING

MR. PETRO: I'd like to call the July 9, 2003 Town of New Windsor Planning Board to order.

APPROVAL OF MINUTES DATED: MAY 28, 2003

MR. PETRO: Has everyone had a chance to read the minutes dated May 28, 2003? If so, I'll accept a motion to accept them as written.

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MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes of that date. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEWS:

THOMPSON MOBILE HOME PARK - WALSH ROAD

Mr. Fred Thompson appeared before the board for this proposal.

MR. PETRO: Mike, you've been to the site and how is everything?

MR. BABCOCK: Fine.

MR. PETRO: That's it and Fred, you have a check for \$100 to the Town of New Windsor? Looks like he does. Entertain a motion for one year extension.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Thompson Mobile Home Park on Walsh Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

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MT. AIRY MOBILE HOME PARK - ROUTE 207

MR. PETRO: Is someone here to represent this? We'll just pass it for now and if they come wandering in, we'll get to it. If not, put them on the next agenda.

PUBLIC HEARINGS:

CORNWALL COMMONS LLC (00-06)

John Cappello, Esq. appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 52.8 acre parcel into 69 single residential single family lots. Application was reviewed at the 22 March, 2000 and 24 April, 2002 and 14 May, 2003 planning board meetings.

MR. CAPPELLO: John Cappello, I'm an attorney with Jacobowitz & Gubits, I'm here with Lorraine Potter from Lanc & Tully and Phil Greely from John Collins Engineering to present the preliminary subdivision plan for the Cornwall Commons New Windsor development consisting of 66 single family dwelling unit lots. The property is located on Route 9W just south of the intersection with Forge Hill Road. We have been before this board for, and the Town of Cornwall Planning Board for probably about two years now. I'm going to go through the SEQRA process, the project also consists of five commercial lots in the Town of Cornwall. It will have two access points off New York State Route 9W, the access points have been submitted to the New York State DOT and reviewed and preliminarily approved for concept for the location. Procedurally, as I said, the Town of Cornwall Planning Board since the larger portion of the property over 140 acres is located in the Town of Cornwall was lead agency on this matter and conducted a full SEQRA review, it was a Generic Environmental Impact Statement that examined all the potential developments of the five lots for commercial and various types of uses permitted in the Town of Cornwall and also some potential possible zoning amendments and also then examined the residential development in the Town of New Windsor together with a couple other alternatives, PAC zoning and senior citizen development in New Windsor. The public hearing was conducted by the Town of Cornwall on the DEIS, it was circulated to

all the involved agencies, including the Town of New Windsor Planning Board and Town Board, the public hearing was held, we received all the comments from the involved agencies, prepared a Final Environmental Impact Statement that was accepted back in March of 2003, that concluded then all the documentation that the involved agencies would use to adopt each agency's own finding. The Town of Cornwall Planning Board adopted their findings on April 15, 2003 and Monday night granted preliminary approval for the 5 lot commercial subdivision. So where we are now then is to review the actual design of the 66 lots in the Town of New Windsor and the Town of New Windsor Planning Board has a few choices on how you want to proceed on SEQRA. We have the record of the EIS which is what the information we have all agreed you'd base your decision on and you can join in and adopt the Town of Cornwall.

MR. PETRO: Why don't I let Mark and Andy get together on that, we're not going to sit there and figure this out. When did you get this plan over to the Highway Department in New Windsor?

MR. CAPPELLO: We've been meeting at the work sessions with the Fire Department, Building Department, I don't know particularly the Highway Department has been submitted specifically to the--

MR. PETRO: Because I noticed he wanted the road dedicated to the Town of New Windsor which I see you have done on this plan but his comments here say that he's got a disapproval, now I'm wondering maybe he didn't see the plan because it certainly doesn't look like he did.

MS. MASON: He did.

MR. PETRO: What's unclear about it?

MR. EDSALL: I think in speaking with Henry he had two open issues, one was drainage, he needed some plans that he had a little clearer understanding but the

dedication he knows the plan shows it but I'm not quite sure if the mechanism has been straightened out.

MR. CAPPELLO: We have to go to the DOT, we have Phil Greely, a traffic engineer to explain any questions you have regarding the details but this is another one, there's several different ways you can skin the cat. We can dedicate the land that's in the Town of Cornwall, there can be an agreement between the municipalities regardless of who owns it because it's on the boundary, there will have to be some type of agreement as to maintenance or between preliminary and final once we know that both municipalities have agreed on the design and location and we know we have to go to the DEC, to Health Department and all the various other involved agencies for approval, we could actually pursue and annexation to annex this portion into the Town of New Windsor.

MR. PETRO: You know what, again, straighten out with Mr. Kroll, Mark and Andy how you do it, I don't care as long as you get to that point.

MR. CAPPELLO: Just so you know that's where we, we have shown it going to New Windsor and ask to handle the specifics of it between preliminary and final because we have time and we did know then that the board's have reviewed and approved the locations and the layout then as with the 800 other different things we'll have to do between preliminary and final we'd accomplish that to everybody's satisfaction.

MR. PETRO: Let me hold you up there. This is a public hearing. On the 25th day of June, 2003, eight addressed envelopes with a notice of public hearing were mailed out. If someone is here to speak for or against this application, just make a comment, be recognized by the Chair, come forward, state your name and address. Anyone here who'd like to speak? Let the minutes show there's nobody here who wants to speak so I'll entertain a motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Cornwall Commons major subdivision on New York State Route 9W.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I reopen it up to the board for further comment. Mark, you want to just go over this quickly? I mean, there's not much for us to look at, I think.

MR. EDSALL: No, I think at this point the next step would be for the board to close out our end of SEQRA which would be for the, this board to adopt findings and we should work between this meeting and the next meeting with Andy and the applicant to have that available for your action next meeting.

MR. PETRO: A lot of the findings would overlap.

MR. EDSALL: Well, every agency has to adopt their own findings, we can merely in effect concur with their findings. So we should get prepared to do that. I guess the other issue which I'd really like to hear about tonight since it was a concern that we had and I know Cornwall had raised was if the residential subdivision goes forward prior to any other development, how is the access to the site going to be handled because the roadway access is the southbound 9W lanes where there's no curb cut in the center median. I think that's why Phil is here tonight to update us on

where the DOT is going to require improvements so that there's adequate access to the site and we don't end up having people making U-turns on 9W either at the bottom of Moodna or other locations. So maybe we could get an update on that.

MR. GREELY: I'm Phil Greely from John Collins Engineers. We had prepared the traffic studies, actually looked at a couple of different access scenarios. We met with the DOT early in the process, probably three years ago, to look at various schemes of access to the property. At that time, when the Department of Transportation was evaluating various improvement projects along 9W, we had to have different scenarios because it wasn't clear which way things were going to go. The simplest plan dealt with a single access point to the residential property that would be constructed as a right turn in right turn out driveway and the DOT because of the grade and other considerations here did not want a median break on 9W to allow left turns out. What that meant is in order to get people that are destined back to the north or coming from the south to the site, we had to look at a couple of options. One option was, and this was in conjunction with DOT which would require the widening improvements at Forge Hill at the signal would allow a U-turn scenario at that location. However, because of the way that plan has developed and the things aren't on the pace that we need to work with, we had looked at another scenario which DOT was pretty comfortable with and that enabled us to have this access, you would have to build the road to connect out to 9W on the other side of the interchange. And the way that it would actually function is if I was coming from the south and I wanted to get to the subdivision, we would actually come through the 218 interchange in the area where and in fact out there today you'll see there's an area where there's not pavement but the cars drive through there is about the location where an actual intersection would be built and that's consistent with some of the plans that DOT was looking at at the interchange, in fact, one of the scenarios for this

area was to develop like more of a T intersection, one was to build a small rotary area so what would happen is you'd approach from the south and you would loop like this to get into the project so there'd be no left turns, there would be a signing package associated with that to direct drivers to that access when traffic left the site, if you're going south on 9W, it's just an easy right turn out onto 9W and of course coming from the north an easy right turn in. But if you were, wanted to head back north on 9W, you would have to leave here, come down through the interchange area and back onto 9W northbound. So it would use the 218 interchange with some improvements that would be consistent with the Department's concept there and it would not require any turns crossing 9W which is what their primary control was. In the development of the commercial property, one other scenario which was looked at was a full access on 9W, the DOT felt that if a commercial subdivision was in here that they would consider a median break at that intersection because sight distance was okay and would probably warrant enough traffic to have a signal but again that was tied into the larger project. At this time where we are with the DOT is we have submitted both plans to them partly because they're still not sure what they're going to do with 9W, we're waiting for their answer which scenario, we can live with either scenario, the initial reaction has been that they would like no median break on 9W, they would like a signing and an improvement at the 218 interchange that would accommodate access to the property at least for the residential component and that they would look at depending on what comes in on the commercial piece. That's the current plan. The alternate plan again goes back to make more significant improvements that would have to be tied to a DOT project at Forge Hill.

MR. EDSALL: One question, let's say later on if the commercial goes in, if the warrants aren't met for the signal, did the DOT give any indication if they'd still permit the median break or are they unclear on that?

MR. GREELY: They really wanted the median break to be tied into a signal. For the median break, this whole section would have to be reconstructed because you have to build a left turn lane and at that point, the median isn't wide enough so you'd be widening the right-of-way to get that. But they really didn't want without a signal and a turn lane the median break to occur and, you know, depending on what goes in here when we get a better handle, they'd look at that, but they felt in the interim that this plan would work by improving the interchange area, get access to and from here and any other uses that it would be limited, let's say there's another, I think one other use here doesn't have a median break that would be able to benefit from that.

MR. ARGENIO: So it's safe to say the original question was how much do you construct before you do the residential subdivision and the answer I guess is the entire horseshoe?

MR. GREELY: You have to build a road.

MR. EDSALL: And the 218 improvement.

MR. ARGENIO: And the improvement at the intersection.

MR. GREELY: Correct, and the only way that that would change is if the Forge Hill intersection moved forward and we'd work with the DOT in designing it so that U-turns could be made at the intersection, that would only occur if you did the turn lane and widening. Right now, it doesn't appear that it would be in the timeframe we're looking at here.

MR. PETRO: Okay.

MR. EDSALL: That's fine and I think with the board's permission once the minutes are available, I'll forward a copy of this discussion to Cornwall's Planning Board cause that was one of their concerns as well since it does require some of the Cornwall town road to be--

MR. PETRO: I think you should put in that that our opinion that the U-turns scenario I think should be out of the question.

MR. EDSALL: I'm very uncomfortable with it myself.

MR. CAPPELLO: Cornwall's approval of this preliminary plan, they did in their approval express their desire to have this signalized and a full interchange and they expressed acknowledgement that that's DOT's call but they would express their preference that it be signalized and that will be sent forward to the DOT while we're going through our process.

MR. PETRO: I realize this is late in the game but again, one of the lots on Forge Hill Road, take one of the lots out and tie into Forge Hill. Did you ever really look at that? Not in the back there where the topo's real bad but maybe up in the front area.

MR. EDSALL: I don't think the grades would work and you really don't have, you have properties in between, number of properties in between.

MR. BABCOCK: Down towards 9W that Canterbury Lane, Jim, little loop.

MR. PETRO: Okay, all right, Phil, thank you. I want to move along because we have 12 items, not that I want to cut anybody short, but I don't want to be here until 1 o'clock. Do you have anything else for this applicant?

MR. EDSALL: No. I would believe that the next two steps and it's the board's choice as to when we act on the two items would be a consideration for preliminary approval, number one, so they can move forward with their applications but prior to doing so, we need to I believe reach our findings so I think we should work with the applicants, look at getting it back on the agenda with the next meeting and take care of those two items.

MR. PETRO: Why don't you and Andy get together and just advise the board on the manner in which we're going to move forward. I would suggest that we, if Cornwall was, felt they were comfortable with them the way it was presented that we should maybe move in that same direction as long as you review and concur with that.

MR. EDSALL: We'll work with the applicant.

MR. PETRO: Do you have anything else for tonight?

MR. CAPPELLO: No, just when you're next work session is and we'll try to get on board.

MR. PETRO: I think the preliminary layout we're passed that point so basically now it's a matter of procedural. You explained DOT, I think we can move forward. Okay?

MR. CAPPELLO: Thank you very much.

REGULAR ITEMS

CLASSIC HOME BUILDERS SUBDIVISION & LOT LINE CHANGE
(03-16)

Mr. Ken Lytle appeared before the board for this proposal.

MR. PETRO: Involves subdivision of 17.8 acre parcel into the 17 residential lots with a private road. Application is reviewed on a concept basis only, R-1 zone, required values on the bulk table are correct. Couple notes Mark has that you can go over and correct plans, notes that existing wells and septs are from 1990 filed map, design engineer must make a current review of existing conditions. A note on sheet 2 indicates that the sanitary systems will be designed prior to a building permit. This is not acceptable, as per Orange County Law and Town of New Windsor requirements, system must be designed as part of this subdivision. And there's other notes that can go on and on. Why don't you go over just quickly what we're doing here? Tell us where Kings Road is one more time. You should have a location map. Is there one on here?

MR. LYTLE: On another sheet.

MR. LANDER: Right off 207.

MR. PETRO: I know where it is. All the lots conform with size?

MR. LYTLE: That's right.

MR. PETRO: What's that land over there? You're combining, you're taking it from another parcel?

MR. LYTLE: We're actually giving it to an adjoining parcel.

MR. PETRO: So you're going to remove a lot line?

MR. LYTLE: That's correct.

MR. LANDER: Parcel A is going to be conveyed to Foxdale?

MR. LYTLE: Yes.

MR. PETRO: Take a motion for lead agency.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Classic Homebuilders subdivision and lot line change. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: We have Highway disapproved, drainage plan unacceptable, road spec is incomplete so you're going to have to get back together with Mr. Kroll, go over that, Fire was approved on 7/1/2003. Is there anything you want to tell us tonight? How about conceptually the layout I guess is fine, we don't have any problem with the layout, the lots all conform to size if you get a copy of Mark's comments. You have that?

MR. LYTLE: Yes.

MR. PETRO: Planning board should determine if a public hearing will be necessary for this minor subdivision and lot line change. Gentlemen, what's your preference on this? I'll poll the board. Ronny?

MR. LANDER: Four lot subdivision, Mr. Chairman, and a lot line change.

MR. PETRO: I can tell from the tone you do.

MR. LANDER: There's not that many houses on this small stretch of road but I think we should have a public hearing.

MR. MASON: I agree with Ron.

MR. KARNAVEZOS: I agree also.

MR. ARGENIO: I think if I owned any of those houses on Kings Road, I'd want to know about it.

MR. LANDER: There's not many there but public hearing and there's no questions.

MR. PETRO: All right, what we'll do is we're going to make a motion to have a public hearing, I think before you come back to the public hearing, I'd like to see some of the comments cleared up and also get an approval from the Highway Department. It's not that hard to get together with him and clear up what he's got on his sheet, drainage plan unacceptable, road spec is incomplete, those two items. Do I have a motion to have a public hearing?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the Classic Homebuilders subdivision and lot line change on Kings Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

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MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Once you feel the plan is complete, get together with Myra and she can schedule you for the public hearing.

MR. LYTTLE: Thank you.

WOODLAWN MANOR SENIOR PROJECT (03-17)

Mr. Ross Winglovitz appeared before the board for this proposal.

MR. PETRO: Senior project on Forest Hills Drive, proposed 95 unit senior housing project.

MR. WINGLOVITZ: Good evening, Ross Winglovitz representing Meadow Creek Development for development of a 95 unit single family residential project for seniors off of Route 94 location of Forest Hills Drive intersection. We had been at a couple work sessions with Mark, actually, I think just one, maybe two presentations, the concept what we're looking to do is have an access off Forest Hills Drive which intersects Route 94 about 200 feet from our proposed intersection on Forest Hills Drive, an internal loop road with single family homes for seniors, they'll have as you can see faint lines those are called as I got my lesson from my attorney, individually restricted common element boundaries, they are common areas and what we'll do is have restrictions on say the front lawn will all have to be maintained by the homeowner's association.

MR. PETRO: Let me hold you up a little bit here because when I see the little tiny lots, I get a headache.

MR. LANDER: Is this the former Foxwoods?

MR. EDSALL: Same property.

MR. WINGLOVITZ: Formally Foxwoods.

MR. PETRO: Now you're mentioning senior housing, we already have two big ones going on in the Town, so I don't know that the Town Board, I know we had a meeting sometime ago and some things have changed, so I don't want to lead you, you keep going on and on and it doesn't go anywhere, so I want to save everybody some

time. The small lots, what's the size of your average lot here?

MR. WINGLOVITZ: 6,000 square feet.

MR. PETRO: And the reason you're going to the 6,000 square feet or reason you're even here is because of you're attaching that word senior to it, therefore, in our specs and requirements, you can put that in any zone that you want, therefore, our two acre zoning goes out the window, therefore, you're standing here with 6,000 square foot lots with a single family home.

MR. WINGLOVITZ: Correct. In this zone we'd be permitted condominiums that would be attached and have multiple residents in the traditional style that people are used to seeing condos, there's, this is condos in more of a non-traditional.

MR. PETRO: You want to save time? This is not going to fly, all right, I just want to tell you, I know that we had a meeting, I don't know if it was a year ago, whatever it was, and some things have changed and if any of the board members want to cut me off and ask me what I'm talking about, feel free, you won't hurt my feelings. I'm speaking for the board now, really want to stick with the 2 acre lots, number one, we have two other senior projects going in the town, Town Board I'm informed is not looking for anymore. You certainly have a right to come in I would suppose under our zoning laws, but I guess they have the final say on it whether or not they want to look at them or not. The zoning here, what's the actual zoning here, Mark, R what?

MR. WINGLOVITZ: R-5.

MR. PETRO: So you have six units per acre anyway is what you're telling us? Approximately, I don't know square footage.

MR. WINGLOVITZ: We think this is a better concept than

the traditional multi-family concept.

MR. PETRO: There's a water moratorium to start with so no matter what we did, we can only go close to a final approval, you wouldn't receive final approval, you'd get to that point and have to stop anyway. I would suggest another meeting, if you want, with either the Supervisor or some of the Town Board members and get a better feel for what they'd like to see there because I'm just being very frank and blunt, senior housing in that area with the traffic, your internal sidewalks, I don't know where they're going to go, you're really not close to anything other than Midway Market, there's not anything down there.

MR. WINGLOVITZ: This isn't seniors who are feeble, these are pretty nice homes that are a pretty good ratable for the Town and very probably the lowest impact of any residential use that would fit on this property and even at 95 units.

MR. PETRO: Again, I would suggest same that you talk, why don't you talk to the Supervisor and maybe the Town Board members and find out to move forward or not. I don't want to sit here for an hour going over this, waste your time and mine, I'm sure you're paying this man.

MR. SAMUELSON: No problem.

MR. PETRO: I kind of feel somewhat responsible because I feel like you've already done that by meeting with myself and the Highway Superintendent but we also have people to answer to and that's what I'm telling you now that someone's looked at this and felt that they want to take a better look at it. Can you do that?

MR. SAMUELSON: Yes, we can.

MR. WINGLOVITZ: Yes.

MR. SAMUELSON: We'll make the appropriate arrangements

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to try to set up a meeting and then we'll come back.

MR. PETRO: I'd appreciate it, no sense taking up the time of the board members reviewing something that's not going to happen anyway, possibly.

MR. WINGLOVITZ: We hear you.

MR. PETRO: Thank you.

COVINGTON ESTATES (01-41)

Mr. Ross Winglovitz appeared before the board for this proposal.

MR. PETRO: Covington Estates proposed condominium units. We've seen this a number of times. It is located in R-5, the board should verify that SEQRA has been completed for this application. Where are we with that?

MR. WINGLOVITZ: I think it was completed last June, I think it was.

MR. EDSALL: Yeah, just wanted to get a date on record, I didn't have it.

MR. WINGLOVITZ: Last June I think because the last issue was a DOT letter and that's when we got the DOT sign-off on the traffic.

MR. PETRO: We have not declared a negative dec.

MS. MASON: We took lead agency.

MR. EDSALL: I wasn't quite sure we had.

MR. WINGLOVITZ: I think we did, yeah, because I'm sure we did, if you go back to the meeting and look at the minutes of the meeting, I know we took the motion.

MR. PETRO: She'll go over it. How have you updated this plan since the last time we've seen it, pretty much?

MR. WINGLOVITZ: Pretty much exactly what you've seen, yes, we saved the stone walls and reconstructed stone walls that you asked about and reconstructed stone walls at the entrance and I think those are the major comments and the dumpster enclosures have been shown and detail as the way you like it. And other than that, we spent five months getting Health Department

approval for the water on the project.

MR. PETRO: Now, as it stands now, I think the water basically is the last issue I think pretty much we're through planning board as far as our technical review would be other than some, we'll see if she finds it or not, there's two issues, one, I think you still need to be put into a water district, A, and then B, we have the water moratorium which is in place at this time and it's indefinite, so you have two basic hurdles before I'm requested we grant final approval. Okay, so I really can't go anywhere until A, I need you to be put into the water district and I don't think that's a problem, frankly, I think that's figuring out just what to do there and two, we need to once the water moratorium is lifted, then at that point, I would do one more meeting, you'd have to come back in and do a final approval. The only, unfortunately, Mark, correct me if I'm wrong or Andy, obviously, if there's any new State Regulations or impositions that you have to do in that meantime, we have no control over that so we're not waiving those things, I don't know that that would happen or not happen. Years ago, they said that any disturbance over five acres you had to do a soil erosion plan.

MR. WINGLOVITZ: It's down to one acre now and we've done all the studies in accordance with the new requirements.

MR. PETRO: Something like that could come up again and you'd be required to do that in the meantime because you don't have a stamped plan. You understand that?

MR. WINGLOVITZ: Right.

MR. PETRO: He's showing me something he wants me to read. Well, we're not going to, you wouldn't fall into the, showing me where you have 180 days.

MR. WINGLOVITZ: If it was a conditional site plan approval.

MR. PETRO: We're not going to go that far.

MR. WINGLOVITZ: That's where we were going, we weren't asking for final approval because we know that we need to have the water district extension.

MR. PETRO: I want you to get into the water district first and then when the water moratorium is lifted, come back in and we can look at it for the final approval. No sense in doing it in reverse. What's this here? We did a negative dec on October, 9 2002, so you were correct, so I don't think there's much left of anything frankly.

MR. CAPPELLO: Can we just get a recognition that water is the last issue so I mean water and--

MR. PETRO: By virtue of what I just said it's basically that.

MR. WINGLOVITZ: And any changes.

MR. PETRO: Any changes that are outside our agency or what we can control, that's the point I was just trying to make, you run that risk just by virtue of being in New York State and having time pass, you know, laws change all the time. Mark, do you have anything to add to any of that?

MR. EDSALL: No, I mean, and obviously, there's two ways to deal with it and the board is clear as to which way you want to move forward.

MR. PETRO: I'm moving forward in that manner because I was told to so if you have any beef about it, feel free to go talk to the people who give me instructions but that's the way we're going to handle it, we're not going to hand out conditional approvals and I kind of agree to a point that they could be used as ammunition saying look, I have an approval here, give me my water. So now we're going to do it in reverse and when this is

lifted, when it's available, then we'll look at it at that point. But to me, you asked me a blunt question, I think you're at that point. Any of the members disagree? I think we looked at it a number of times, the water is the issue, I think you have certainly met everything that we've asked with my little pet road that doesn't go anywhere, you've done a good job and I think that it's ready to go when the time comes.

MR. WINGLOVITZ: Thank you.

PLYMPTON HOUSE (02-23)

Mr. Charles Brown appeared before the board for this proposal.

MR. PETRO: That's proposal is a catering use for a building formerly American Felt offices, this is down on Walsh Road there, I think we've seen a number of different applicants for this, this seems to be one that's starting to work out a little bit.

MR. BROWN: Last week we were before the zoning board and we got the use variance.

MR. PETRO: How about an apartment upstairs, did you get a variance for that there? Did you have an apartment upstairs?

MR. BROWN: It's the accessory apartment, in other words, as a caretaker facility that's a special use permit from this board, actually, the zoning board confirmed this that was permitted under not only this zone but what's the other zone that permits it, NC zone, which permits the catering.

MR. PETRO: Variances you received are on the plan, you put them on the plan?

MR. BROWN: Yes, that's correct.

MR. PETRO: PI zone catering is not a use by right, that's why you went there, so you actually got a use variance you received? Very good.

MR. BROWN: Correct.

MR. PETRO: I think we had given you a positive recommendation.

MR. BROWN: Yes, I appreciate that.

MR. PETRO: Let's talk about parking there because the

parking was kind of sparse, did you get a parking variance also?

MR. BROWN: No, the parking has actually been calculated and it's correct, they have drawn back from their original proposed number of I guess you'd call it patrons or whatever so parking calculation is on the plan and it's sufficient.

MR. PETRO: What's required and what's provided?

MR. BROWN: We need one per three people, proposal is maximum of 200 people that would be 67.

MR. PETRO: 67 required, 67 spaces provided. What's being blacktopped? Do you have that actually shown on this plan?

MR. BROWN: Yes, this is already blacktopped through here, this is all gravel this dashed line, so this would all be blacktopped and these spaces right here would be gravel.

MR. PETRO: That's overflow but they're in your parking calculation but they're going to be gravel?

MR. BROWN: Right.

MR. PETRO: How we doing that, Mark?

MR. EDSALL: Well, I've been told, and correct me if my numbers are wrong, that the building catering use is not the 200, the 200 is a combination of the tent which is on the site plan plus the building.

MR. BROWN: That's actually also in the parking calculation, the maximum building occupancy is 75 people, very, very rarely would they go over that. In the event they did, they would put up a tent outside so their actual usage--

MR. PETRO: I got the picture. Mark, you're

comfortable with it?

MR. EDSALL: Yeah, from an environmental standpoint, it's sheet flow of drainage that gives us the parking lot would drain onto the gravel before it discharged.

MR. PETRO: I think the whole thing is down this way, right, goes into the gravel then goes off the site?

MR. EDSALL: Kind of takes the temporary tent use and provides gravel temporary parking but also provides an environmental benefit but for the permanent use, there are all paved spaces.

MR. PETRO: I don't want to hold these people up because I'd like to see something happen, it's been years, this is where there was going to be a funeral home one time and a school for kids?

MR. EDSALL: Bad news is from a timing standpoint, the caretaker use is a special permit so you have no choice but to have a public hearing.

MR. BROWN: So we can waive the public hearing for the site plan, get the site plan approval and then the caretaker public hearing for that?

MR. PETRO: No, it's part of the application so I'm forced by law to have a public hearing, I can't waive it.

MR. BROWN: We had a public hearing for the variance and there was a no show.

MR. PETRO: You're going to have the same thing here probably but you have to go through the procedure. If you eliminated the caretaker apartment and just went for the site plan but then you couldn't have the caretaker apartment, you can always apply for that later. But you're here, you might as well get it done because we'll do it 1, 2, 3, probably in another month you'll be done.

MR. EDSALL: It's done other than the couple minor corrections and we're all set.

MR. PETRO: Might as well continue. Back to the site plan then we'll do, we have Fire approval on 7/7/2003, anything on the site plan, gentlemen? Anybody see anything? Mark, any comments?

MR. EDSALL: Minor, just under 2.

MR. PETRO: Motion to have a public hearing for the special use permit.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: I'm sorry. Jerry, can you---

MR. ARGENIO: Make a motion we take lead agency on Plympton House site plan.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Plympton House site plan. Any discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Now authorize a public hearing, mandatory public hearing.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize a public hearing for the Plympton House site plan special permit for the caretaker apartment. Any further comments? if not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Do the paperwork, get together with Myra, when you're ready, you'll be on the next agenda for the public hearing.

MR. BROWN: Thank you.

MANDIARACINA SUBDIVISION (03-18)

Mr. Charles Brown appeared before the board for this proposal.

MR. PETRO: Proposed two lot residential subdivision.

MR. BROWN: The proposal is to cut one 5 acre lot, 5 1/2 acre lot out of a roughly 40 acre parcel for the son of the owner of the parent parcel.

MR. PETRO: What are we doing here again? Two single family residential lots? You already have one, you're making one new one is what you're doing?

MR. BROWN: Right, one additional.

MR. PETRO: Where is it? I don't see it on the plan.

MR. BROWN: Over here, here's Toleman Road, this is an existing residence and proposed residence up on top of the hill.

MR. PETRO: Where is the new lot line?

MR. EDSALL: You may want to have them make it darker on the next plan.

MR. PETRO: Make it a little better defined. You have your frontage on Toleman Road 175 feet?

MR. BROWN: Yes.

MR. PETRO: All the separations are correct, Mark?

MR. EDSALL: They look to be, it's, again, because it's such a large parcel, I don't think we have any problems.

MR. PETRO: He's accessing that lot number 2 it looks like there's wetlands right through that, how you going to get across it, is that a Federal?

MR. BROWN: That's a Federal, actually, I brought maps that I cleaned that up, we have the buffer, we're not in the State or the State buffer, we're crossing the Federal and there's a note we're crossing it so we're well under the tenth acre permitted.

MR. PETRO: Mark, can you monitor that he's going to well define it, find out if there's any permits or take care of it, look at it?

MR. EDSALL: As long as someone certifies to the amount of wetlands that are being disturbed and it's under the threshold of a thousand square feet.

MR. BROWN: Yeah, we're at 750.

MR. EDSALL: Tenth of an acre.

MR. PETRO: How about the lands that are left, we have remaining lands out of this big lot down here in the triangle, what's this land down here?

MR. BROWN: That's not part of the parcel.

MR. PETRO: So this line's already existing?

MR. BROWN: Correct.

MR. PETRO: What we're doing is adding this line?

MR. BROWN: Correct.

MR. PETRO: The one that Mike just scribbled on.

MR. LANDER: So there's 38 acres left?

MR. BROWN: Correct, yeah, it's very large, the State wetlands, this is the boundary and it has been flagged and surveyed so it's defined.

MR. PETRO: Should we not send a lead agency

coordination letter to the Town of Blooming Grove or notify them that we're doing something there?

MR. EDSALL: We should do that with Blooming Grove and probably send County Planning just a copy but I don't anticipate any response but we can do that.

MR. LANDER: Now I see there's a 33 foot easement, does that run through lot 2 also?

MR. BROWN: Yes.

MR. PETRO: What's this little area here?

MR. BROWN: It's a pond up on a hill.

MR. PETRO: On top of the hill?

MR. BROWN: Yeah, it's pretty nice, actually, and he brought the Federal wetland right up to it. Septic's fully designed, meets all the separations.

MR. PETRO: You put the well way up in the corner, did you look around and make sure there's nothing around that's close to your well?

MR. BROWN: Yes.

MR. PETRO: All right, you have Mark's comments?

MR. BROWN: Yes.

MR. PETRO: We have Highway approval 7/9/2003 and Fire approval 7/7/2003, we didn't take lead agency yet. Motion for lead agency.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency

for the Mandiaracina minor subdivision on Toleman Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: I think you're only creating one new lot on how many acres, 38.2 acres?

MR. BROWN: That's the balance of the proposed lots.

MR. PETRO: I think we should waive the public hearing on this minor subdivision as far as I'm concerned. Anybody want to dispute that or have a different opinion? If not, entertain a motion to waive the public hearing.

MR. KARNAVEZOS: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Mandiaracina minor subdivision on Toleman Road. Any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Who's doing the testing in the field for the percolation? You have that witnessed and you have

it certified by anybody?

MR. BABCOCK: Well, they're doing it with their engineers, but if the board wants a witness which I would recommend that we do.

MR. PETRO: I would do it there only because you're in the middle of a wet area.

MR. BABCOCK: I honestly think that we should do them all, actually, no matter where they are.

MR. PETRO: Who are we going to authorize to do it, Mark, you'll do it?

MR. EDSALL: We just send a field rep out to verify the numbers while they're out there.

MR. PETRO: Can you do that, please? We don't want anything failing, not that you, I don't know if you would do it but it's good to have two.

MR. ARGENIO: We have had a lot of problems in that end of the town.

MR. BROWN: We actually cut that curtain drain in last year to drain that area so we're aware of that and we have been down this road before so we have tested it last year, we tested it again this spring because of all the rain.

MR. PETRO: What was it?

MR. BROWN: The percs?

MR. EDSALL: Twenty-five minutes was the design.

MR. BROWN: Yeah, 25, it's a 12 inch perc so it's going to be a shallow system.

MR. EDSALL: Just a clarification on the net and gross areas, you need to subtract out the wetlands areas and

the easements which in all likelihood obviously you'll still comply with the large lot but smaller lot it will give us a net value.

MR. PETRO: That's as far as we're going to go tonight, take the comments from Mark, I'd like to see the plan cleaned up a little bit for the public hearing. Also for the public hearing can you outline what you're doing?

MR. KARNAVEZOS: We waived the public hearing.

MR. PETRO: Then next time you come back, just clean up Mark's comments and show us the outline on the plan that we can see.

MR. BROWN: Yeah, I'll do that.

MR. PETRO: Delineate the lot line we're removing, make it so when you're looking at that because unless somebody explained it, I wouldn't have been able to pick up on it.

MR. BROWN: We can add another sheet without the topo.

MR. PETRO: Any way you want to do it.

MR. EDSALL: Just make the line darker, you can see the boundary line for the large parcel, just make it the same dark line.

MR. BROWN: Thank you.

FIRST COLUMBIA (NEW YORK INTERNATIONAL PLAZA) (02-200)

Mr. Chris Bette appeared before the board for the board for this proposal.

MR. PETRO: Go ahead there young man.

MR. BETTE: Okay, I'm here tonight to submit to the board a copy of the FEIS for New York International Plaza for the board's review and for purposes of determining its completeness. As you can see, everybody's gotten or should get a copy, there's copies for everybody, it's two volumes, the second volume we have incorporated to include some studies that were part of the property transfer from military that were previously available to the board as reference documents, but we felt that that would be handy for them to have seeing as some of the questions pertain to those issues. The body of the FEIS is in Volume 1, comments we received were rewritten and responses immediately follow it. We received some comments from the Town engineer, the planning board engineer, the special consultants to the planning board, the Office of Parks, Recreation and Historic Preservation and the Stewart Park and Reserve Coalition, no comments were received from the involved agencies. The comments were made primarily regarding issues that were addressed in the DEIS, I think looking for more clarification, amplification on certain issues, storm water, sanitary sewer, traffic, wetlands, building, demolition, rock. No new topics were identified, so I think we have a concise document. If the board has any questions, I will answer them.

MR. PETRO: Mark, how do you want to do this? Should we make a motion to accept and file this?

MR. EDSALL: Well, I would just I guess the record will be clear we acknowledge receipt tonight, I think each board member has a copy, we should make sure that CAMO and Dick McGoey and anyone who generated comments internally within the Town get a copy, maybe you want

to talk about a schedule on when we'd like to get back on this.

MR. ARGENIO: All we're doing is receiving it now, we have the opportunity to review it?

MR. EDSALL: Other than the fact that I told Chris we really needed to talk about a schedule there would probably be not too much to have for a need of a discussion.

MR. PETRO: Tell him what's on your mind.

MR. EDSALL: Well, we've had some schedules proposed, the next step would be that the board accepts the FEIS as complete and responding to all comments and then we have to do findings. I don't know if it's too quick to have that at the next meeting which would be two weeks from tonight, there's no meeting on August 13, so it would either be two weeks from tonight or the second or the fourth Wednesday in August, whatever the board feels comfortable with.

MR. PETRO: I think two weeks is fine, let's get it done, we can do the findings after.

MR. EDSALL: So we'll make sure we circulate copies to the other folks so we'll let you make sure Myra we get copies out and tell everyone they need to get comments back for the board to consider for the meeting two weeks from tonight.

MR. PETRO: Okay, thank you.

MR. ARGENIO: Do you know the status of the interchange right now, half a paragraph or less?

MR. BETTE: Drury Lane, no change.

GALELLA SITE PLAN (03-06)

Mr. Nick Galella appeared before the board for this proposal.

MR. PETRO: Next is Galella site plan Route 9W, you don't look like Mr. Coppola. Proposed office building. What are we doing on this application? Proposes development of 4,950 square foot one story building. Is this the one that you had the trouble with the drainage with the doctor next to you?

MR. GALELLA: I was told to reroute the drainage.

MR. PETRO: That was the only planning board issue we had and DOT.

MR. GALELLA: DOT approved a new catch basin on 9W and we're running everything straight out along this path.

MR. PETRO: That's the way to do it. We have a copy from New York State DOT, it's approved.

MR. LANDER: That was easier than trying to get the doctor to do it.

MR. PETRO: Just do it. SEQRA has been completed. Fire approval, no.

MR. GALELLA: It's under 5,000 square feet.

MR. PETRO: Fire is disapproved, hydrant is more than four hundred feet from another hydrant. What's the problem there? Explain that to me, Mark, Fire?

MR. EDSALL: This is on NIMA? You lost me.

MR. PETRO: Mike, you're going to have to talk with the new fella.

MS. MASON: That was from May so he wasn't doing it.

MR. BABCOCK: These fire hydrants along 9W are existing, you're not putting in any fire hydrants so there's a misunderstanding.

MR. PETRO: Let's just strike that for the time being. If it's a major problem, we'll contact you.

MR. BABCOCK: Subject to the review being corrected.

MR. PETRO: And cause Bobby Rogers had approved it down here.

MS. MASON: Right.

MR. PETRO: Motion for negative dec.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the NIMA Contracting site plan on 9W.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: I don't think there's anything left here.

MR. ARGENIO: I'd like to know how he got the drainage approval so quick from the DOT. Do you have that? I mean, that's--

MR. EDSALL: Myra tells me it's on record.

MR. ARGENIO: Congratulations.

MR. EDSALL: My compliments to their effort.

MR. GALELLA: I think he was pleased with the single entrance. Since I'm developing both entrances, I couldn't put two entrances but it all works out.

MR. PETRO: You made them happy by making the one entrance.

MR. GALELLA: I believe so.

MR. PETRO: The planning board should require that a bond estimate be submitted for this site plan. You have to do that. And I don't have another thing here so gentlemen, if you want to do final approval.

MR. ARGENIO: I'll make a motion for final approval for NIMA Contracting site plan on New York State Route 9W.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the NIMA Contracting site plan on New York State Route 9W subject to no other comment from the Fire Department. Anything else, gentlemen? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

DR. PRABHU (03-19)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Dr. Prabhu on Route 9W, Mr. Shaw, proposed addition to existing doctor's office. NC zone, use by right, bulk information on the plan is correct.

MR. LANDER: Where's the new pavement you're putting in there? Where is all the water going?

MR. PETRO: You're not using his drainage, I'll tell you that, that's for damn sure.

MR. SHAW: We have our own drainage, thank you very much. Very simply, Dr. Prabhu wants to put an addition on his office building, it's going to be 920 square feet, very small. Since the Town has upgraded the zoning ordinance over the years, he's now deficient in parking so because of that, we've added four more spaces in the rear, the additional pavement is that shaded area. What we have also tried to do is upgrade the site plan. Presently there's pavement and if you look on the left side of the drawing that extends into the State right-of-way, we're not only removing that but we're removing it in front of his office building. We're actually reducing the amount of pavement that's presently there right now. What has been incorporated into this plan is a landscaping plan and a site lighting plan so we have also taken the opportunity to upgrade this site considerably also. So very simply, a 920 square foot addition, four parking spaces, removal of pavement, installation of landscaping and site lighting.

MR. PETRO: And the water from the new pavement is going where?

MR. SHAW: Going to be draining into two catch basins which are installed at the point where the new pavement meets the existing and there's an 18 inch storm drain

that presently exists that brings it into an existing catch basin in the State right-of-way.

MR. ARGENIO: Eighteen inch storm drain big enough to accommodate the additional pavement?

MR. SHAW: Yes, it is.

MR. ARGENIO: Looks like he's taking great pains to contain his water, great, great pains.

MR. PETRO: Lighting?

MR. SHAW: Yes, there's a lighting plan that was prepared.

MR. LANDER: We'll have Mr. Edsall review the lighting.

MR. LANDER: He took care of the water with the catch basin.

MR. EDSALL: Sheet 4 is the lighting plan.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Prabhu site plan amendment on New York State Route 9W. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: We have Highway approval on 7/9/2003 and 7/7/2003 was Fire. The board should determine for the record if a public hearing will be required for this site plan amendment, what do you think, Mr. Shaw?

MR. SHAW: I think absolutely not and you want it in three minutes or less, 920 square feet, gentlemen, that's hardly, 920, it's a little bigger than a hot dog stand.

MR. LANDER: Is that 30 percent?

MR. PETRO: You're saying very small, Greg, you're saying that's very small? When GMH came in, you're telling us 900 square foot apartments were very large, so who's right and who's wrong?

MR. LANDER: Now, do you have to go to DOT for the new curb cuts?

MR. SHAW: No, there are no new curb cuts, we're utilizing the existing.

MR. LANDER: I thought we were changing the whole thing.

MR. SHAW: Just removing the excess blacktop, we do not want to go to the DOT.

MR. LANDER: Putting curbed sidewalks, okay.

MR. LANDER: Where is the handicapped ramp in front of the building?

MR. BABCOCK: Right in the very front.

MR. SHAW: There's an existing handicapped ramp right here, that's existing, that's going to be replaced by another handicapped ramp in the same location right by the handicapped spaces?

MR. MASON: With wood or--

MR. SHAW: Not sure, that's a building permit issue.

MR. LANDER: I see it there.

MR. ARGENIO: Well, I was going to ask two things. One, I think I know the answer, are people going to hit the building on the one side?

MR. LANDER: Just lightly.

MR. SHAW: No because we're using the pre-cast masonry bumpers.

MR. ARGENIO: What's up with the catch basin with the stone around it, is that a permanent condition or temporary?

MR. SHAW: That's just temporary for erosion control, that gets removed after construction.

MR. PETRO: Motion to--

MR. KARNAVEZOS: Make a motion to waive the public hearing.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment and the orders of Mr. Shaw for the Prabhu site plan amendment. Any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Prabhu site plan amendment on Route 9W. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. LANDER: Mr. Shaw, you're curbing all the front area here?

MR. SHAW: Yes.

MR. ARGENIO: That's nice.

MR. PETRO: We can read paragraph 2 and number 1 which Mr. Edsall wrote one of the benefits of this application amendment is the reorientation of the parking area which is a significant improvement with the proposed landscaping and sidewalks, et cetera, will bring the site into conformance and current standards.

MR. EDSALL: Just as big as a hot dog stand.

MR. PETRO: Motion for final approval.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the

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New Windsor Planning Board grant final approval to the Prabhu site plan amendment subject to the bond estimate. Any further discussion from the board members? If not, roll call.

MR. EDSALL: Subject to the bond estimate.

MR. PETRO: Thank you.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. SHAW: Thank you.

DISCUSSION

MR. LANDER: Woodlawn Manor senior project, if they were called condos, would they be all right?

MR. EDSALL: Well--

MR. LANDER: Senior homes.

MR. PETRO: He satisfied single family homes.

MR. EDSALL: Off the record.

(Discussion was held off the record)

MR. PETRO: We're back on the record.

PERC TESTS

MR. BABCOCK: Jimmy, the septic designs and the perc tests I think the board should recommend that our engineering firm witness every one.

MR. PETRO: I agree a hundred percent.

MR. ARGENIO: Why all of a sudden?

MR. BABCOCK: Because the purpose of it is that we're having some failures, number one, we're having some problems so I've got to have these guys out there. Number 2, is the way that it's set up today is that if you're going to do a septic system, you go in and see Debbie Green the Town Clerk, get a permit, you just get one. There's no review of anything and then you bring a letter from your engineer saying it was done right, there's no town inspection whatsoever.

MR. ARGENIO: We had a lady here about a year ago that stood on her podium and said that she wanted, I forget who the engineer was, wanted his engineering license

revoked because septic fields in the entire development failed, it was one of Biagini's properties and who was the engineer, Mark?

MR. EDSALL: I don't remember.

MR. BABCOCK: Yanosh.

MS. MASON: No, he's the surveyor, it was Ericson or somebody.

MR. BABCOCK: Number 3 is when you gentlemen pick and choose, I don't think it's right, I don't know that you can have a criteria that you say I want Mark to witness yours but not his.

MR. ARGENIO: I disagree with that statement, Mike.

MR. PETRO: Some of it should be looked at when you have Federal wetlands, the topo is going towards the house, there's a lot of reasons.

MR. ARGENIO: And you're in the west end of the Town, it's predominantly clay, so I disagree with that but I agree with you guys, I think it's a good idea.

MR. PETRO: We think it's a good idea.

MR. EDSALL: Cornwall just got done going through the same decision because they used to do it for some, didn't do it for the others. And then they knew certain engineers would seem to be more trustworthy than others, they finally said the heck with this, we're not going to pick and choose, they're saying everyone's got to be witnessed and we just send somebody out during the day.

MR. BABCOCK: Jim, the other thing on the one septic design that we had the designs were done in 1990, there's no law that they're no good anymore, they're still good, there's no law says that a septic design or perc test expires, so one that was done in 1990 they

can submit that for a building permit.

MR. LANDER: Now the perc test, doesn't that have a shelf life?

MR. BABCOCK: No.

MR. ARGENIO: Doesn't it?

MR. EDSALL: We usually say after a couple years we want to have it redone.

MR. BABCOCK: But there's no requirement.

MR. EDSALL: There's no legal criteria for how long you have to accept it, matter of fact, we had an argument in another town about we disallowed one and they argued we had no right to do it, we said fine.

MR. LANDER: Does the County have the right?

MR. EDSALL: The County has under approvals expiration but not under approvals.

WATER MORATORIUM

MR. PETRO: By example, tonight, too, everybody became aware as I did today we should start telling people the applicants who are coming in for condos or anything where it's affected by the water moratorium that they're going to go up to the final approval point and be stopped there, I had thought at some point we'd grant final approval.

MR. ARGENIO: We have the ability to review it one more time at a later date and make whatever changes.

MR. PETRO: Also the point was made to me that they don't use it ammo to say look, the planning board gave us final approval, you're holding us up and so now they at least have to come back and go for the last step.

MR. LANDER: So there's no conditional final approval?

MR. PETRO: We can review it like we did with the Harp Estates, go right up to the end.

MR. LANDER: So now that's one point there but now something else changes in the State, the Federal, any other law, even New Windsor the zone changes again or something, now if these people don't have final approval.

MR. EDSALL: It's going to be different because all the people who have new applications once they get preliminary like in the case of Cornwall Condos, if they weren't getting Cornwall water let's say they get preliminary approval in two weeks George can't even sign the application to go to the Health Department now the way the moratorium is written, so it's going to be a little different, actually slowed up earlier on in the process.

MR. BABCOCK: Jim is going back just--

MR. EDSALL: Harp had County water approval and got held up because of the water district, not because of Orange County Health.

MR. BABCOCK: One of the rulings on the zone change, Ron, for Town Law zone changes was if they have a substantial application at the planning board and the planning board determined that so if there was a zone change for Covington Estates that affected them, they would be grandfathered under your discretion, but they have a substantial application and you guys approved that.

MR. KARNAVEZOS: Did they change the name of that?

MR. BABCOCK: It was old Harp but it's Covington.

MR. PETRO: Anything else?

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MR. BABCOCK: No.

MR. PETRO: Motion to adjourn.

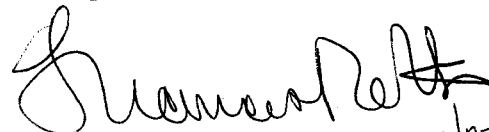
MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

Respectfully Submitted By:



1/23/03

Frances Roth
Stenographer